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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,646	01/13/2006	Hitoshi Kokumai	19A 3812 PCT	1674
7590	06/15/2011	Quinn Emanuel Urquhart Oliver & Hedges, LLP Koda/Androlia 865 S.Figueroa Street, 10th Floor Los Angeles, CA 90007	EXAMINER KANAAN, SIMON P	
			ART UNIT 2432	PAPER NUMBER
			MAIL DATE 06/15/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/564,646	KOKUMAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SIMON KANAAN	2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 May 2011.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 10, 12 and 21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 10, 12 and 21 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Applicant's arguments/ amendments with respect to the previously filed 35 U.S.C. 101 rejection has been considered and is persuasive and therefor the previously filed 35 U.S.C. 101 rejection has been withdrawn.
2. Applicant's arguments/ amendments with respect to the previously filed 35 U.S.C. 112 2<sup>nd</sup> rejection has been considered but are not persuasive as the applicant needs to clearly link each "means for" type to the corresponding structure in the specification.
3. Applicant's arguments/ amendments with respect to pending claims 10, 12 and 21 filed 05/14/2011, have been fully considered but are not persuasive. (see arguments section below)

**Claim Rejections - 35 USC § 112**

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10-12 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claims 10-12 and 21, recite the elements "recording means", "determining means" and "generating means" which are a means (or step) plus function limitations that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function.

Applicant is required to:

- (a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or
- (b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)); or
- (c) State on the record where the corresponding structure, material, or acts are set forth in the written description of the specification that perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

For a computer-implemented means-plus-function claim limitation that invokes 35 U.S.C. 112, sixth paragraph, the corresponding structure is required to be more than simply a general purpose computer or microprocessor. The corresponding structure for a computer-implemented function must include the algorithm as well as the general purpose computer or microprocessor.

**Applicant's Arguments**

6. Applicant argues that the cited prior art does not teach:
  - a. Episodic memory and images associated with episodic memory
  - b. Information unit for unwilling authentication is included among the plurality of information units and by selecting the unwilling authentication information together with other information units that creates an authentication signal, it is possible for the user by submitting such authentication signal to indicate that the user is unwilling to authenticate

**Examiner's Response to Applicant's Arguments**

7. Applicant's arguments/ amendments with respect to pending claims 10, 12 and 21 filed 05/14/2011, have been fully considered but are not persuasive. As for applicant argument that the cited prior art does not teach:

- a. "Episodic memory and images associated with episodic memory", the examiner respectfully disagrees as Honarvar [0024] and [0025], teaches using multiple pieces of information including information related to person personal history i.e. episodic memory and information person has memorized in long term memory such as county person lives in and Pering, figure 2, teaches choosing a password from of a photograph, so the combination teaches using passwords relating to episodic and/or long term memory where answers for authentication are either written or displayed as images.
- b. "Information unit for unwilling authentication is included among the plurality of information units and by selecting the unwilling authentication information together with other information units that creates an authentication signal, it is possible for the user by submitting such authentication signal to indicate that the user is unwilling to authenticate", the examiner respectfully disagrees as Eitetsu, abstract, teaches having multiple passwords for authenticating where a user may use an emergency password which triggers an emergency procedure if user is forced to authenticate but wishes not to authenticate using his normal non-distressed password, so by user using an emergency password a authenticated unwilling signal will be generated.

**Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honarvar et al. (US Pre-Grant Publication No: 2003/0154406 A1) hereinafter Honarvar, in view of Moto Eitetsu (JP 2002358418(A)) hereinafter Eitetsu.

As per claim 10, Honarvar discloses an individual authentication system using a non-transitory computer recording medium comprising:

a terminal device including an input means and a display surface; - Honarvar, [0017], teaches displayed multiple choice questions and therefore must exist a display and [0008] teaches inputting users information.

registration information recording means and an access information recording means both provided in the recording medium, the registration information recording means registering, in advance for user authentication, both user information that includes at least one information unit known by a user to be registered in authentication and non-user information that includes at least one information unit unknown by the user for user authentication and recording the registered information, the access information recording means recording access information given to the user, and said recording medium being controlled by an authentication computer; - Honarvar, [0024]-[0025], teaches using personal history which would be user information known to the

user as well as geographic information which would be information unknown to the user which is stored and figure 3 teaches user interacting with vendor and vendor interacting with authentication server which checks the input.

the authentication computer having: an access information comparison determining means which confirms, when a user candidate inputs, via input means of the terminal device, access information, that the access information is the access information given to the user candidate in user authentication; a registration information presenting means which, on the basis of generation of a confirmation signal from the access information comparison determining means, outputs the registration information recorded on the registration information recording means and presents the registration information to the user candidate via a display surface of the terminal device; a user information comparison means which compares input information with the recorded user information for authentication, the input information being selected from the user candidate based on the represented registration information and inputted via the input means of the terminal device; - Honarvar, figure 37, teaches determining which pieces of information to use to authenticate the user

an authentication signal generating means which, on the basis of authentication determination by a user authentication determining means, generates an authentication signal to the terminal device to permit the user to use the terminal device when all the input information matches with the recorded user information, and generates a non-authentication signal to the terminal device to not permit use of the terminal device when at least one of the input information matches with the recorded non-user information, - Honarvar, figure 37, teaches authenticating the user which would generate an authentication signal once the information input

is correct, and [0019] checks number of times vendor tries to authenticate i.e. for each non-authentication signal must be sent to increase the number.

and wherein the user information is one selected from a long term memory and an episode memory of the user; - Honarvar, [0024]-[0025], teaches storing information for authentication which include personal history which would be episodic memory and county name which would be stored in long term memory

and the non-user information is non-user information synthesized on the basis of the user information. and - Honarvar, [0024]-[0025] and figure 37, teaches using multiple questions for authentication hence multiple passwords are needed for authentication which is multiple pieces of information synthesized.

But Honarvar does not teach at least one of the user information is an information unit for unwilling authentication signal used when user authentication is performed despite the intention of the user and the authentication signal generating means further generating alarm signal when all the input information matches with the recorded user information and when at least one of the input information is an information unit for an unwilling authentication signal;

However Eitetsu teaches at least one of the user information is an information unit for unwilling authentication signal used when user authentication is performed despite the intention of the user and the authentication signal generating means further generating alarm signal when all the input information matches with the recorded user information and when at least one of the input information is an information unit for an unwilling authentication signal; -Eitetsu, abstract, teaches having multiple passwords for authenticating where a user may use an emergency

password which triggers an emergency procedure if user is forced to authenticate but wishes not to authenticate using his normal non-distressed password.

It would have been obvious at the time of the invention to modify the password generation verification method of Honarvar with the emergency password verification method of Eitetsu since it would be desirable for some applications such as ATM machines to have an emergency password to use if the user is forced to authenticate unwillingly but desires a different outcome than their normal non-distressed authentication.

As per claim 12, Honarvar in view of Eitetsu discloses the individual authentication system using a recording medium according to claim 10, wherein pieces of individual registration information and pieces of access information are held. - Honarvar, [0024]-[0025], teaches storing multiple pieces of information for authentication.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honarvar in view of Eitetsu and further in view of Pering et al. (US patent No: 7,174,462 B2) hereinafter Pering.

As per claim 21, Honarvar in view of Eitetsu discloses the individual authentication system using a recording medium according to claim 10, but does not disclose wherein the episodic memory comprises visual information selected from the group consisting of photographs, pictures, and drawings relating to episode memory.

However, Pering teaches wherein said visual information is selected from the group consisting of photographs, pictures, and drawings. –Pering, figure 2, teaches choosing a password from a photograph.

It would have been obvious at the time of the invention for one of the ordinary skill in the art to modify the user verification method of using questions related to episodic and long term memory of user of Honarvar with using pictures for authentication of Pering because it makes it easier on the user to authenticate. -Pering, column 2, lines 16-20.

### **Conclusion**

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Kanaan whose telephone number is (571) 270-3906. The examiner can normally be reached on Monday to Friday 8:30 AM to 5:00 PM.

If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Gilberto Barron, can be reached at the following telephone number: (571) 272-3799.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SIMON KANAAN/  
Examiner, Art Unit 2432

/Benjamin E Lanier/  
Primary Examiner, Art Unit 2432